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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/750,015

12/29/2000

Frederic F. Simard

71493-863

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12/29/2004

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EXAMINER

TON, ANTHONY T

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750,015

Applicant(s)

SIMARD ET AL.

Examiner

Anthony T Ton

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40, 42-44 and 49-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21, 23-36, 38-40, 42-44, 63 and 70-72 is/are allowed.
- 6) ☒ Claim(s) 1-14, 22, 37, 49-53, 58-62 and 64-69 is/are rejected.
- 7) ☒ Claim(s) 54-57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTIONS

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim 14** is rejected under 35 U.S.C. 102(e) as being anticipated by *Botzko et al.* (US Patent No. **6,141,597**) hereinafter referred to as *Botzko*.

**In Regarding to Claim 14:** *Botzko* disclosed a conference bridge comprising:

means for receiving media data packets from at least two sources forming a media conference (*see Fig.2: RTP/RTCP Transport units; and col.3 line 65 – col.4 line 9*), each media data packet defining a media signal (*see col.4 lines 34-41*);

means for receiving speech indication signals from at least one of the sources within the media conference (*see Fig.2B: Selector 26 (talker section unit); and col.4 line 60-col.5 line 6: uncompressed audio signals on lines 19a-19d (speech indication signals)*);

means for processing the speech indication signals including selecting a set of the sources within the media conference as talkers (*see Fig.2: block 15*); and

means for outputting the media signals that correspond to the set of sources within the media conference selected as talkers (*see Fig.2: RTP/RTCP Transport units*).

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3. **Claim 14** is rejected under 35 U.S.C. 102(e) as being anticipated by *Strawczynski* (US Patent No. 6,522,633).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

**In Regarding to Claim 14:** *Strawczynski* disclosed a conference bridge comprising:

means for receiving media data packets from at least two sources forming a media conference (*see col.2 lines 1-5*), each media data packet defining a media signal (*see col.4 lines 22-25*);

means for receiving speech indication signals from at least one of the sources within the media conference (*see col.2 lines 5-7*);

means for processing the speech indication signals including selecting a set of the sources within the media conference as talkers (*see Fig.6: 550; in which, the conference algorithm circuit 550 operates to process the speech indication signals*); and

means for outputting the media signals that correspond to the set of sources within the media conference selected as talkers (*see Fig.6: 552 (output unit), 502-504 (the set of sources)*).

4. **Claims 64-66** are rejected under 35 U.S.C. 102(e) as being anticipated by *Boyle et al.* (US Patent No. 6,606,305) hereinafter referred to as *Boyle*.

a) **In Regarding to Claim 64:** *Boyle* disclosed a method for controlling a media conference including at least two sources of media signals (*see Fig.1*), the method comprising:

selecting a set of the sources of media signals within the media conference as talkers, wherein selecting the set of sources involves identifying the sources within the media conference

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containing speech and selecting a set of the sources containing as talkers (*see col.5 lines 41-48: the selected subscriber group*); and

instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference (*see col.13 lines 50-65: the conference bridge including instructions to receive; and see col.9 lines 27-57: The database 320 and conference bridge 330 are each connected to lines 345, such as SS7 or ISUP trunks (hence the bridge 330 in Fig.3 is used for controlling and connection set up only; therefore, the media signals of the talker would be outputted directly to other sources within the media conference via PSTN and Mobile switching center))*).

**b) In Regarding to Claim 65:** Boyle further disclosed the selecting a set of the sources of media signals within the media conference as talkers comprises:

receiving media signals from the sources within the media conference (*see col.13 lines 50-65: the conference bridge including instructions to receive the first coming call leg to determine a plurality of directory numbers associated with subscriber group (hence, receiving media signals from the sources within the media conference); also, see Fig.2A: step 200*);

determining at least one speech parameter corresponding to each of the received media signals (*see Fig.2A: step 205*); and

selecting a set of the sources within the media conference as talkers based on the determined speech parameters (*see Fig.2A: steps 210-225*).

**c) In Regarding to Claim 66:** Boyle further disclosed the selecting a set of the sources of media signals within the media conference as talkers comprises:

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receiving speech indication signals from at least one of the sources within the media conference (*see col.9 lines 27-42: the switch 130 or MSC 310 has received an indication that the incoming call leg is for a voice dispatch conferencing or broadcast feature, requiring routing to the conference bridge 130 or 330*); and

selecting a set of the sources within the media conference as talkers based on the received speech indication signals (*see col.9 lines 27-42: and the switch 110 or MSC 310 may then utilize the subscriber group number or the predefined pseudo-random number mapped to the subscriber number as destination digits (hence, selecting a set of sources as talkers based on the receive indication signals)*).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, 4, 6-8, 10-13, 62 and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Botzko et al.* (US Patent No. **6,141,597**) hereinafter referred to as *Botzko*, in view of *Foster et al.* (US Patent No. **6,466,550**) hereinafter referred to as *Foster*.

a) **In Regarding to Claim 1:** *Botzko* disclosed a conference bridge (*see Fig.1: 12*) comprising:

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an input unit that operates to receive media data packets from at least two sources forming a media conference (*see Fig. 2: RTP/RTCP Transport units; and col. 3 line 65 – col. 4 line 9*), each media data packet comprising a media signal (*see col. 4 lines 34-41*);

a talker selection unit that operates to receive speech indication signals from at least one of the sources within the media conference and to process the speech indication signals including selecting a set of the sources within the media conference as talkers (*see Fig. 2B: Selector 26 (talker selection unit); and col. 4 line 60-col. 5 line 6: uncompressed audio signals on lines 19a-19d (speech indication signals)*); and

an output unit, coupled to the input unit, that operates to output the media signals that correspond to the set of sources within the media conference selected as talkers (*see Fig. 2: RTP/RTCP Transport units*).

*Botzko* failed to explicitly disclose each media data packet comprising packet overhead, wherein the input unit is adapted to remove the packet overhead.

*Foster* explicitly disclosed such an each media data packet comprising packet overhead, wherein the input unit is adapted to remove the packet overhead (*see col. 9 lines 39-42*)

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such an each media data packet comprising packet overhead, wherein the input unit is adapted to remove the packet overhead, as taught by *Foster* with *Botzko*, in order that only payload data can be transmitted to appropriate participants in a conferencing system. The motivation for doing so would have been to provide more communications bandwidth to a conferencing system. Therefore, it would have been obvious to combine *Foster* with *Botzko* in the invention as specified in the claim.

b) **In Regarding to Claim 2:** *Botzko* further disclosed each of the speech indication signals comprises one of a talking indication and a listening indication corresponding to the respective source within the media conference (*see col.1 lines 12-32: push-to-talk (hence, the speech indication signals comprises one of a talking indication and a listening indication)*).

c) **In Regarding to Claim 4:** *Botzko* further disclosed each of the speech indication signals comprises at least one speech parameter corresponding to the respective source within the media conference (*see col.7 lines 63-67: a certain minimum threshold level of speech*).

d) **In Regarding to Claim 6:** *Botzko* further disclosed each of the speech indication signals is an energy level corresponding to media signals sent from the respective source within the media conference (*see col.7 lines 63-67: a certain minimum threshold level of speech*).

e) **In Regarding to Claim 7:** *Botzko* further disclosed the talker selection unit operates to determine which sources within the media conference are sending media signals containing speech with the use of the energy levels within the speech indication signals (*see col.7 lines 54-67*); and

select sources within the media conference as talkers based upon the comparative energy levels of the sources within the media conference determined to be sending media signals containing speech (*see col.4 line 60 – col.5 line 6; and col.7 lines 63-67*).

f) **In Regarding to Claim 8:** *Botzko* further disclosed the speech parameter within each of the speech indication signals is a pitch value corresponding to media signals sent from the respective source within the media conference (*see col.6 line 55-col.7 line 4: highest or loudest (a pitch value)*).



g) **In Regarding to Claim 10:** *Botzko* further disclosed the set of the sources within the media conference selected as talkers comprises a plurality of sources within the media conference (*see col.2 lines 20-23*); and

wherein the conference bridge further comprises a mixing block, coupled between the input and output units, that operates to receive media signals corresponding to sources within the media conference selected as talkers from the input unit, mix these received media signals, and output the mixed result to the output block (*see Fig.3A: Mixers 28a-28d*).

h) **In Regarding to Claim 11:** *Botzko* further disclosed the set of the sources within the media conference selected as talkers comprises a lone source within the media conference (*see col.7 lines 23-25: logic "0" signal (for one speaker)*).

i) **In Regarding to Claim 12:** *Botzko* further disclosed the media data packets are audio data packets and the media signals defined by the media data packets are audio signals (*see col.4 lines 2-41: audio packets, audio signals*).

j) **In Regarding to Claim 13:** *Botzko* further disclosed the media data packets are audio/video data packets and the media signals defined by the media data packets are audio/video signals (*see col.1 lines 4-15*).

k) **In Regarding to Claim 62:** This claim is rejected for the same reasons as claim 1 because the apparatus of the conference bridge in claim 1 can be used to practice the method steps of claim 62.

l) **In Regarding to Claim 69:** *Botzko* further disclosed a network incorporating the conference bridge (*see col.4 lines 18-24: network*) and further comprising a plurality of sources of media signals within the media conference (*see col.2 lines 20-23*);

wherein each of the sources within the media conference operates to output the at least one media signal to the conference bridge along with a speech indication signal corresponding to the at least one media signal (*see Figs.2 and 2B: compressed and uncompressed audio signals of all sites*).

7. **Claims 3, 5 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Botzko et al.* (US Patent No. **6,141,597**) in view of *Su et al.* (US Patent No. **6,463,414**) hereinafter referred to as *Su*.

a) **In Regarding to Claim 3:** *Botzko* disclosed all aspect of this claim as set forth in claims 1 and 2; and

*Botzko* further disclosed to select a set of the sources within the media conference as talkers (*see col.7 lines 5-37: a double-talk, triple-talk, etc.*), and

the talker selection unit operates to monitor the speech indication signals for talking indications (*see col.7 lines 54-67*).

*Botzko* failed to explicitly disclose the talker selection unit operates to select sources within the media conference as talkers based upon the order in which any talking indications are received at the talker selection unit from the sources within the media conference.

*Su* explicitly disclosed such an talker selection unit operates to select sources within the media conference as talkers based upon the order in which any talking indications are received at the talker selection unit from the sources within the media conference (*see Su's Fig.5: block 560 priorities assignment and col.7 line 39-col.8 line 3*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such an talker selection unit operates to select sources within the media conference as talkers based upon the order in which any talking indications are received at the talker selection unit from the sources within the media conference, as taught by *Su* with *Botzko*, so that a communications conference can be controlled properly. The motivation for doing so would have been to provide priority assignments to participants in a manner which does not privilege one speaker over others in order to help manage and control a call in a conference system (*see Su, col.7 lines 39-44*). Therefore, it would have been obvious to combine *Su* with *Botzko* in the invention as specified in the claim.

**b) In Regarding to Claim 5:** *Botzko* disclosed all aspect of this claim as set forth in claims 1 and 4; and

*Botzko* further disclosed to select a set of the sources within the media conference as talkers (*see col.7 lines 5-37: a double-talk, triple-talk, etc.*), and

the talker selection unit operates to determine which sources within the media conference are sending media signals containing speech with the use of the speech parameters within the speech indication signals (*see col.5 lines 17-47 and col.7 lines 54-67*).

*Botzko* failed to explicitly disclose the talker selection unit operates to select sources within the media conference as talkers based upon the order in which sources within the media conference are determined to send media signals containing speech.

*Su* explicitly disclosed such an talker selection unit operates to select sources within the media conference as talkers based upon the order in which sources within the media conference

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are determined to send media signals containing speech (*see Su's Fig.5: block 560 priorities assignment and col.7 line 39-col.8 line 3*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a talker selection unit operates to select sources within the media conference as talkers based upon the order in which sources within the media conference are determined to send media signals containing speech, as taught by *Su* with *Botzko*, so that a communications conference can be controlled properly. The motivation for doing so would have been to provide priority assignments to participants in a manner which does not privilege one speaker over others in order to help manage and control a call in a conference system (*see Su, col.7 lines 39-44*). Therefore, it would have been obvious to combine *Su* with *Botzko* in the invention as specified in the claim.

**c) In Regarding to Claim 9:** *Botzko* disclosed all aspect of this claim as set forth in claims 1 and 4.

*Botzko* failed to explicitly disclose the speech parameter within each of the speech indication signals is a number of bytes within media signals sent from the respective source within the media conference.

*Su* explicitly disclosed such a speech parameter within each of the speech indication signals is a number of bytes within media signals sent from the respective source within the media conference (*see col.4 lines 8-19: speech coding/compression techniques; and see G.723.1; the G.723.1 is a VoIP standard well known in the art (hence, number of bytes in a voice data packet)*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a speech parameter within each of the speech indication signals is a number of bytes within media signals sent from the respective source within the media conference, as taught by *Su* with *Botzko*, so that a communications conference can be utilized through a packet-based network. The motivation for doing so would have been to deploy a packet-based conference bridge in a telephone system (*see Su, col.4 lines 8-10*). Therefore, it would have been obvious to combine *Su* with *Botzko* in the invention as specified in the claim.

8. **Claims 22, 37 and 64-66** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Botzko et al.* (US Patent No. 6,141,597) in view of *Strawczynski et al.* (US Patent No. 4,920,565) hereinafter referred to as *Strawczynski*.

a) **In Regarding to Claim 22:** *Botzko* disclosed a conference bridge comprising:  
means for receiving media data packets from at least two sources forming a media conference (*see Fig.2: RTP/RTCP Transport units; and col.3 line 65 – col.4 line 9*), each media data packet defining a media signal (*see col.4 lines 34-41*); and  
means for selecting a set of the sources within the media conference as talkers (*see Fig.2B: Selector 26 (talker section unit); and col.4 line 60-col.5 line 6: uncompressed audio signals on lines 19a-19d (speech indication signals)*).

*Botzko* failed to explicitly disclose means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference.

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*Strawczynski* explicitly disclosed such a means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference (see Figs. 1 and 2 and col. 3 lines 41-46: conference control unit (means for instructing); based on the connections established in Figs. 1 and 2, the telephones A to D can directly to each other because they are coupled to one another; and the conference control unit 11 only acts to set up and supervise the interconnection between the telephones to form the conference. No processing of speech by the conference unit or by the network is required).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference, as taught by *Strawczynski* with *Botzko*, so that participants in a conference system can be directly connected to each other. The motivation for doing so would have been to provide time efficiency because there is no any further process at the control setup unit in a conference system. Therefore, it would have been obvious to combine *Strawczynski* with *Botzko* in the invention as specified in the claim.

b) **In Regarding to Claim 37:** *Botzko* disclosed a conference bridge arranged to be coupled to a network that includes at least two sources of media signals forming a media conference (see col. 4 lines 18-24: network; and col. 2 lines 20-23), the conference bridge comprising:

means for receiving speech indication signals from at least one of the sources within the media conference (see Fig. 2B: selector 26); and

means for processing the speech indication signals including selecting a set of the sources within the media conference as talkers (*see Fig. 2: block 15*).

*Botzko* failed to explicitly disclose means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference.

*Strawczynski* explicitly disclosed such a means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference (*see Figs. 1 and 2 and col. 3 lines 41-46: conference control unit (means for instructing); based on the connections established in Figs. 1 and 2, the telephones A to D can directly to each other because they are coupled to one another; and the conference control unit 11 only acts to set up and supervise the interconnection between the telephones to form the conference. No processing of speech by the conference unit or by the network is required*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference, as taught by *Strawczynski* with *Botzko*, so that participants in a conference system can be directly connected to each other. The motivation for doing so would have been to provide timely efficiency because there is no any further process at the control setup unit in a conference system. Therefore, it would have been obvious to combine *Strawczynski* with *Botzko* in the invention as specified in the claim.

c) **In Regarding to Claim 64:** *Botzko* disclosed a method for controlling a media conference including at least two sources of media signals (*see Fig. 2*), the method comprising:

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selecting a set of sources of media signals within the media conference as talkers (*see col.8 lines 28-59*), wherein selecting the set of sources involves identifying the sources within the media conference containing speech and selecting a set of the sources containing as talkers (*see col.2 lines 43-58*).

*Botzko* failed to explicitly disclose means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference.

*Strawczynski* explicitly disclosed such a means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference (*see Figs.1 and 2 and col.3 lines 41-46: conference control unit (means for instructing); based on the connections established in Figs.1 and 2, the telephones A to D can directly to each other because they are coupled to one another; and the conference control unit 11 only acts to set up and supervise the interconnection between the telephones to form the conference. No processing of speech by the conference unit or by the network is required*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a means for instructing the sources within the media conference selected as talkers to output their media signals directly to other sources within the media conference, as taught by *Strawczynski* with *Botzko*, so that participants in a conference system can be directly connected to each other. The motivation for doing so would have been to provide time efficiency because there is no any further process at the control setup unit in a conference system. Therefore, it would have been obvious to combine *Strawczynski* with *Botzko* in the invention as specified in the claim.



d) **In Regarding to Claim 65:** *Botzko* further disclosed the selecting a set of the sources of media signals within the media conference as talkers comprises:

receiving media signals from the sources within the media conference (*see Fig.2: media signals 16a-16d and 19a-19d*);

determining at least one speech parameter corresponding to each of the received media signals (*see col.2 lines 43-58*); and

selecting a set of the sources within the media conference as talkers based on the determined speech parameters (*see col.8 lines 28-59*).

e) **In Regarding to Claim 66:** *Botzko* further disclosed the selecting a set of the sources of media signals within the media conference as talkers comprises:

receiving speech indication signals from at least one of the sources within the media conference (*see Fig.2: 19a-19d*); and

selecting a set of the sources within the media conference as talkers based on the received speech indication signals (*see col.4 line 60 – col.5 line 6*).

9. **Claims 49-53, 58, 60, 61, 67 and 68** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Foster et al.* (US Patent No. 6,466,550) in view of *Dunn et al.* (US Patent No. 5,991,385) hereinafter referred to as *Dunn*.

a) **In Regarding to Claim 49:** *Foster* disclosed a packet-based apparatus arranged to be coupled to a conference bridge via a packet-base network (*see Fig.2: a packet-based apparatus 22 coupled to a conference bridge 44 via IP network 48*), the apparatus comprising:

an addressing control unit that operates to receive at least one addressing control signal (see Fig.8: blocks 148 and 150; and col.6 lines 8-67: in which, the transceiver as shown in Fig.8 would receive RTP packets, each of the packets has a header (hence, address control); and

an output unit that operates to receive media signals from at least one participant within a media conference and output the received media signal, via the network, to at least one other participant within the media conference based upon the addressing control signal (see Fig.5: wherein the media signals are from at least one participant 62; col.3 lines 24-37; and col.11 lines 4-7).

*Foster* failed to explicitly disclose an addressing control unit that operates to receive at least one addressing control signal from the conference bridge (i.e., the conference bridge sends at least one addressing control signal to the address control unit of the packet-based apparatus).

*Dunn* explicitly disclosed such a conference bridge sends at least one addressing control signal to the address control unit of the packet-based apparatus (see Figs. 2 and 4: signaling channel 18 connected from the conference bridge 14 to parties A-D via local exchange carriers LEC 10; and col.4 lines 53-64: The logic 20 sends the port identity signal (control signal)).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a conference bridge sends at least one addressing control signal to the address control unit of the packet-based apparatus, as taught by *Dunn* with *Foster*, so that packets in a conference system can be properly received or forwarded to participants. The motivation for doing so would have been to enhance speakerphones in a conference system (see *Dunn*, col.4 lines 59-64). Therefore, it would have been obvious to combine *Dunn* with *Foster* in the invention as specified in the claim.

b) **In Regarding to Claim 50:** *Foster* further disclosed the addressing control signal comprises a packet-based network address corresponding to the at least one other participant within the media conference (*see Fig.4: each conference set 22 should have its own IP address of the IP Network 52*).

c) **In Regarding to Claim 51:** *Foster* further disclosed the output unit comprises a microphone that operates to receive audio signals from the at least one participant within the media conference (*see col.1 line 15: microphone*), the received media signal comprising audio signals received from the microphone (*see col.3 lines 11-22: audio*)

d) **In Regarding to Claim 52:** *Foster* disclosed all aspects of the claim 52 as set forth in the claim 49; and

*Foster* further disclosed a packet-based interface arranged to be coupled between a packet-based network and a non-packet-based network (*see Fig.10: IP interface 226 and PCM interface 224; see Fig.12 and col.10 line 45-col.11 line 31*).

e) **In Regarding to Claim 53:** *Foster* further disclosed the apparatus further comprising a speech detection unit, coupled to the output unit, that operates to process the received media signal (*see Fig.8: 142 and col.9 lines 24-35: voice activity detector*), generate a speech indication signal based upon the received media signal and output the speech indication signal to the conference bridge (*see col.9 lines 35-39: fills in RTP packet header values appropriately (hence, generates a speech indication signal based upon the received media signal)*).

f) **In Regarding to Claim 58:** *Foster* further disclosed the speech detection unit operates to determine a speech parameter corresponding to the received media signal (*col.9 lines 34-42: voice activity (speech parameter)*); and

include the speech parameter within the speech indication signal (*see col.9 lines 35-42*).

g) **In Regarding to Claim 60:** *Foster* further disclosed the speech detection unit determines a pitch value corresponding to the received media signal (*see col.4 lines 40-43: maximum fixed number of incoming talk streams to pass to bridge 44*).

h) **In Regarding to Claim 61:** *Foster* further disclosed the output unit further operates to compress the receive media signal prior to outputting the compressed media signal to the conference bridge (*see col.2 lines 1-13*).

*Foster* failed to explicitly teach the speech detection unit determines the number of bytes of the compressed media signal.

However, Official notice is taken that the speech detection unit determines the number of bytes of the compressed media signal is well known and accepted as standard in the subject matter area of the invention. It would have been obvious to include in *Foster* any old and well known of such number of bytes of the compressed media signal, since it is old and well known in the environment of the invention and would make *Foster* more efficient.

i) **In Regarding to Claims 67 and 68:** These claims are rejected for the same reasons as claims 49 and 53, respectively because the apparatus of the conference bridge in claims 49 and 53 can be used to practice the method steps of claims 67 and 68.

10. **Claim 59** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Foster et al.* (US Patent No. 6,466,550) in view of *Dunn et al.* (US Patent No. 5,991,385) as applied to claims 49, 53 and 58 above, and further in view of *Botzko et al.* (US Patent No. 6,141,597).

**In Regarding to Claim 59:** *Foster* disclosed all aspects of this claim as set forth in claims 49, 53 and 58.

*Foster* failed to explicitly disclose the speech detection unit determines an energy level corresponding to the received media signal.

*Botzko* explicitly disclosed such a speech detection unit determines an energy level corresponding to the received media signal (*see Fig. 2: 26, and col. 1 lines 63-66; and col. 2 lines 49-58*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to combine such a speech detection unit determines an energy level corresponding to the received media signal, as taught by *Botzko* with *Foster*, so that packets in a conference system can be properly received or forwarded to participants. The motivation for doing so would have been to select only a few sites and discard unselected sites to thereby reduce noise in a conference system (*see Botzko col. 1 lines 61-63*). Therefore, it would have been obvious to combine *Botzko* with *Foster* in the invention as specified in the claim.

#### ***Allowable Subject Matter***

11. Claims 15-21, 23-36, 38-40, 42-44, 63 and 70-72 are allowed.
12. Claims 54-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response To Remarks/Arguments***

13. Applicant's arguments with respect to claims 1-40, 42-44 and 49-72 have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Examiner Information***


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

by :   
Anthony T. Ton  
*Patent Examiner*  
December 10, 2004

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**